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7

8 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**

9 In the Matter of

10 **JEFFREY McKINNEY,**

11 Holder of License No. T008347
12 As a Pharmacy Technician
13 In the State of Arizona

Case No. 10-0062-PHR

**MOTION TO VACATE HEARING
AND MOTION TO DEEM
ALLEGATIONS IN COMPLAINT
ADMITTED**

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15 The State of Arizona hereby requests that the Arizona Board of Pharmacy (the
16 "Board") vacate the hearing set for September 16, 2010, at 9:00 a.m. and deem the
17 allegations contained in the Board's Complaint and Notice of Hearing admitted pursuant
18 to A.R.S. § 32-1927.01(O).

19 The Complaint and Notice of Hearing notified Respondent that, pursuant to A.R.S.
20 § 32-1927.01(O), he was required to prepare and file with the Board an Answer to the
21 allegations in the Complaint within 30 days after service. It further notified Respondent
22 that his failure to respond within 30 days would be deemed an admission by default of the
23 acts charged in the Complaint.
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1 Pursuant to Arizona Administrative Code R4-23-115(F), service is considered to
2 be made five days after mailing by first-class mail. The Complaint and Notice of Hearing
3 was mailed by first-class and certified mail on May 27, 2010.

4 Respondent's Answer was due on or before July 1, 2010. Respondent has failed to
5 file an Answer. As such, the state requests that the scheduled hearing be vacated and that
6 the allegations contained in the Complaint and Notice of Hearing be deemed admitted
7 pursuant to A.R.S. § 32-1927.01(O).
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9 RESPECTFULLY SUBMITTED this 7th day of July, 2010.

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11 TERRY GODDARD
Attorney General

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14 Elizabeth Campbell
Assistant Attorney General
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1 **ORIGINAL** filed this 7th day of
2 July, 2010, with:

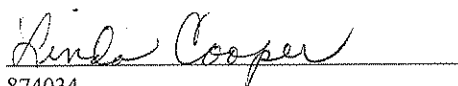
3 Arizona Board of Pharmacy
4 1700 W. Washington Street, Suite 250
5 Phoenix, Arizona 85007

6 **COPY** of the foregoing mailed first class mail
7 This 7th day of July, 2010, to:

8 Jeffrey McKinney
9 14014 N. 54th Ave.
10 Glendale, AZ 85306
11 Respondent

12 **COPY** of the foregoing hand-delivered
13 This 7th day of July, 2010, to:

14 Christopher Munns
15 Assistant Attorney General
16 1275 W. Washington Street, CIV/SGO
17 Phoenix, Arizona 85007
18 Attorney for the Board

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21 874034

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